



Docket No.: VPI/03-103 US

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## MODULATORS OF ATP-BINDING CASSETTE TRANSPORTERS

the specification of which

(check one) ☐ is attached hereto

☒ was filed on March 12, 2004 as Application

No. 10/800,022 and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

_____ (Number)	_____ (Country)	_____ (Day /Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/453,978  
(Application Serial No.)

March 12, 2003  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or under § 120 and § 365(c) of the same Title of any international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status) (patented,  
pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status) (patented,  
pending, abandoned)

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Stephen L. Nesbitt, Reg. No. 28,981

Nandakumar Govindaswamy, Ltd. Recognition

Lisa Dixon, Reg. No. 40,995

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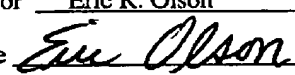
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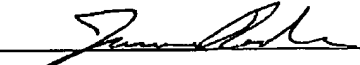
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

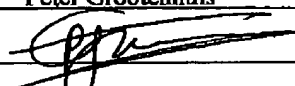
Full name of first inventor Frederick E. VanGookFirst Inventor's signature 05/27/2004  
DateResidence 4750 Pacific Beach Drive, San Diego, CA 92109 832 ORMOND COURT San Diego CA 92109Citizenship CanadaPost Office Address Same As AboveFull name of second inventor Sara Sabina Hadida RuahSecond Inventor's signature 05/07/2004  
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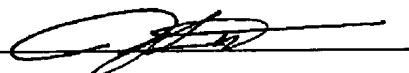
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# BEST AVAILABLE COPY

Full name of eleventh inventor Yahua Liu

Eleventh Inventor's signature

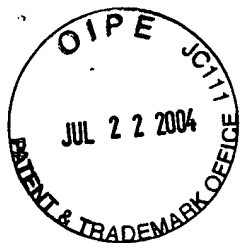


5/1/2004  
Date

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Citizenship US

Post Office Address Same As Above




**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Nandakumar Govindaswamy is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Vertex Pharmaceuticals, Inc. to prepare and prosecute patent applications wherein the patent application is assigned to Vertex Pharmaceuticals, Inc., and the attorney or agent of record in the applications is a registered practitioner who is an employee of Vertex Pharmaceuticals, Inc. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Nandakumar Govindaswamy ceases to lawfully reside in the United States, (ii) Nandakumar Govindaswamy's employment with Vertex Pharmaceuticals, Inc. ceases or is terminated, or (iii) Nandakumar Govindaswamy's current Employment Authorization card expires.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: December 1, 2004**

  
\_\_\_\_\_  
Harry Moatz,  
Director of Enrollment and Discipline